

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, OCTOBER 3, 2006
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
9:30 A.M.

Commissioners Present: Deb Schorr, Chair
Bob Workman, Vice Chair
Bernie Heier
Larry Hudkins
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Patricia Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The meeting of the Board of Commissioners was called to order at 9:30 a.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, September 26, 2006.**

MOTION: Heier moved and Workman seconded approval of the minutes of the Board of Commissioners meeting held on September 26, 2006. Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, October 3, 2006.**

MOTION: Workman moved and Stevens seconded approval of all claims processed through October 3, 2006. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

3) **SPECIAL PRESENTATIONS:**

A. Southeast Community College Annual Report - Jack Huck, President

Jack Huck, President of Southeast Community College (SECC), appeared and disseminated the following information:

- ▶ Southeast Community College Annual Report (Exhibit 1)
- ▶ Southeast Community College Placement Report (Exhibit 2)

Highlights of the annual report were placement figures, ranking of SECC, programs of study, tuition and fees, enrollment, continuing education and expenditures and revenues.

B. The County-City Volunteer of the Month Award was presented to Ellie Graves for her services with the Lincoln City Libraries.

C. A resolution in the matter of supporting Amendment 2 updating Article XI, Section 1 of the Nebraska Constitution. (R-06-0110)

Lori Seibel, Executive Director of the Community Health Endowment of Lincoln, distributed a packet of information containing project highlights, annual report and facts regarding Amendment 2 (Exhibit 3). Seibel reported that Amendment 2 allows public endowments to invest funds in a broader array of investment classes.

Joan Anderson, Lancaster County Medical Society, distributed additional information regarding Amendment 2 (Exhibit 4 and Exhibit 5) and urged the County Board's support of the amendment.

Dean Settle, Community Mental Health Center, appeared and urged the County Board to support the resolution.

MOTION: Stevens moved and Hudkins seconded approval of Resolution 06-0110 in the matter of supporting Amendment 2 updating Article XI, Section 1 of the Nebraska Constitution. Stevens, Heier, Workman, Hudkins and Schorr voted aye. Motion carried.

4) **NEW BUSINESS:**

New Business Item 40 was moved forward.

O. Setting of salary for Joseph E. Dalton at \$64,000 as an attorney in the Lancaster County Attorney's Office, effective October 2, 2006.

Gary Lacey, County Attorney, appeared and introduced Joseph E. Dalton to the County Board.

MOTION: Hudkins moved and Stevens seconded approval of setting of salary for Joseph E. Dalton at \$64,000 as an attorney in the Lancaster County Attorney's Office, effective October 2, 2006. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

A. A resolution in the matter of striking uncollectible property tax from the tax list. (R-06-0105)

MOTION: Heier moved and Workman seconded approval of Resolution 06-0105 in the matter of striking uncollectible property tax from the tax list.

Hudkins indicated he would have liked more time to review the list.

Stevens stated he noticed that some of the individuals with taxes being stricken also have other property in which taxes are being increased.

Hudkins stated he would like a report from the County Treasurer's Office and the County Attorney's Office and suggested it be placed on a staff meeting.

MOTION: Hudkins moved and Stevens seconded to table Resolution 06-0105 indefinitely and place it on a staff meeting agenda for discussion. Heier, Workman, Hudkins, Stevens and Schorr voted aye. Motion carried.

*Original motion to approve Resolution 06-0105 is suspended until the item is placed back on the agenda.

Heier requested that the County Treasurer appear to give a brief overview.

4) **NEW BUSINESS CONTINUED:**

B. A resolution in the matter of amending the investment array for the County employee pension and deferred compensation plans with Nationwide Retirement Solutions. (R-06-0106)

MOTION: Heier moved and Stevens seconded approval of Resolution 06-0106 in the matter of amending the investment array for the County employee pension and deferred compensation plans with Nationwide Retirement Solutions. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

C. A resolution in the matter of amending the final levy allocation for the Southwest Rural Fire District for the period July 1, 2006 through June 30, 2007. (R-06-0107)

MOTION: Hudkins moved and Stevens seconded approval of Resolution 06-0107 in the matter of amending the final levy allocation for the Southwest Rural Fire District for the period July 1, 2006 through June 30, 2007. Hudkins, Heier, Workman, Stevens and Schorr voted aye. Motion carried.

D. A resolution authorizing the installation of the following traffic signs in Lancaster County: (R-06-0108)

- ▶ Post two 18-ton weight limit signs at County bridge W-116 located on West Panama Road 1/4 mile east of Southwest 29th Street. One on the east end of the bridge for westbound traffic and one on the west end of the bridge for eastbound traffic.
- ▶ Install two temporary advance warning signs for post bridge W-116: One weight limit sign and a distance (3/4 mile) plate just west of Southwest 14th Street for westbound traffic and one weight limit sign and a distance (1/4 mile) plate just east of Southwest 29th Street for eastbound traffic.

MOTION: Stevens moved and Heier seconded approval of Resolution 06-0108 authorizing the installation of traffic signs in Lancaster County. Stevens, Workman, Heier, Hudkins and Schorr voted aye. Motion carried.

4) **NEW BUSINESS CONTINUED:**

E. A resolution of official intent to issue revenue bonds up to \$4,000,000 on behalf of Universal Logistics L.L.C. (R-06-0109)

Lauren Wismer, bond counsel, appeared and stated the resolution is required by the provisions of the Internal Revenue Code. He explained that Universal Logistics intends to borrow money through the issuance of tax exempt industrial development revenue bonds of the County.

Darl Naumann, Economic Development Director, stated bonds would be used for the relocation and expansion of Universal Transport.

Richard Urbanovsky, President of Universal Logistics, stated they provide distribution across the United States and some foreign countries of products manufactured in Nebraska and states in close proximity to Nebraska. He said the material is brought to Lincoln where it is reconfigured and processed and then shipped back out.

In response to a question asked by Schorr, Urbanovsky stated they currently employ 15 individuals. Future employment numbers could increase to 30 or 35.

MOTION: Heier moved and Hudkins seconded approval of Resolution 06-0109 approving a project for Universal Logistics, L.L.C., a Nebraska Limited Liability Company, and determining the intent of Lancaster County to issue its industrial development revenue bonds in a principal amount not to exceed \$4,000,000 to finance the costs of such project; and related matters. Heier, Stevens, Hudkins, Workman and Schorr voted aye. Motion carried.

RETURNING TO NEW BUSINESS ITEM 4A:

Richard Nuernberger, County Treasurer, explained the properties listed on Attachment "A" of the resolution are personal property which have different rules than real property. Personal property is turned over to the Sheriff's Office for collection. After reviewing the list, Nuernberger stated many of the properties were related to bankruptcies in which the equipment, office supplies and office furniture have been sold. He said the mobile homes have likely been abandoned.

4) **NEW BUSINESS CONTINUED:**

- F. **A subdivision agreement with Gary D. Kvasnicka, Darcie L. Kvasnicka, Richard A. Roush and Connie L. Roush, County Final Plat No. 06057, Wagon Train Estates, on property generally located at South 96th Street and Wagon Train Road, Lancaster County, Nebraska. (C-06-0538)**

MOTION: Heier moved and Workman seconded approval of a subdivision agreement with Gary D. Kvasnicka, Darcie L. Kvasnicka, Richard A. Roush and Connie L. Roush, County Final Plat No. 06057, Wagon Train Estates, on property generally located at South 96th Street and Wagon Train Road, Lancaster County, Nebraska. Workman, Hudkins, Stevens, Heier and Schorr voted aye. Motion carried.

- G. **A grant contract with Cedars Youth Services for the Skills and Asset Building in Juvenile Justice Program, in the amount of \$30,000. Cedars will contribute \$14,365 in matching funds. Term of the grant contract is July 1, 2006 through June 30, 2007. (C-06-0539)**

MOTION: Hudkins moved and Stevens seconded approval of a grant contract with Cedars Youth Services for the Skills and Asset Building in Juvenile Justice Program, in the amount of \$30,000. Cedars will contribute \$14,365 in matching funds. Stevens, Workman, Heier, Hudkins and Schorr voted aye. Motion carried.

- H. **Agreements with the following facilities to provide specialized medical care and assistance to Lancaster County General Assistance clients who have pending claims with the Social Security Administration and may be eligible for retroactive Medicaid benefits. The agreements set forth a reimbursement arrangement in which the County will provide payment for the medical care and the facilities will reimburse the County if/when the General Assistance client is later determined eligible for Medicaid reimbursement. The agreements are effective upon execution of both parties and contains a 30-day termination provision.**

- ▶ Lincoln Physical Therapy (C-06-0540)
- ▶ Nebraska Surgery Center (C-06-0541)
- ▶ Good Life Chiropractic (C-06-0536)

4) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Hudkins seconded approval of agreements with Lincoln Physical Therapy, Nebraska Surgery Center and Good Life Chiropractic to provide specialized medical care and assistance to Lancaster County General Assistance clients who have pending claims with the Social Security Administration and may be eligible for retroactive Medicaid benefits. Hudkins, Stevens, Heier, Workman and Schorr voted aye. Motion carried.

- I. **An agreement with the Board of Regents of the University of Nebraska and the Lincoln Housing Authority for operation of the Nutrition Education Program in order to address the nutritional needs of certain limited income persons living in urban housing in Lancaster County. Term of the agreement is September 1, 2006 to August 31, 2007. The County will pay \$17,645 for the services which will be provided by the University. The Housing Authority will also pay \$10,519 for the services, combined with \$22,524 from the United States Department of Agriculture (USDA) Food Stamp Nutrition Education grant for a total of \$50,688. (C-06-0534)**

MOTION: Stevens moved and Hudkins seconded approval of an agreement with the Board of Regents of the University of Nebraska and the Lincoln Housing Authority for operation of the Nutrition Education Program in order to address the nutritional needs of certain limited income persons living in urban housing in Lancaster County. Stevens, Hudkins, Heier, Workman and Schorr voted aye. Motion carried.

- J. **A business associate agreement between Nancy L. Thygesen, R.R.A. and Lancaster County, on behalf of Lancaster Manor. The agreement addresses the privacy and security regulations of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) with respect to business associates as that term is defined by HIPAA rules. (C-06-0537)**

MOTION: Hudkins moved and Stevens seconded approval of a business associate agreement between Nancy L. Thygesen, R.R.A. and Lancaster County, on behalf of Lancaster Manor. Hudkins, Stevens, Heier, Workman and Schorr voted aye. Motion carried.

4) NEW BUSINESS CONTINUED:

K. An agreement with Golden Gate National Senior Care, Inc. d/b/a AseraCare Hospice, formerly known as Hospice Care of Nebraska, for hospice services to residents of Lancaster Manor who are terminally ill with a medical prognosis of six months or less. The agreement is effective upon execution by both parties and continues through June 30, 2007. AseraCare will pay the County the current Medicare rate for these services. This agreement replaces the hospice agreement executed by the County Board on May 16, 1996. (C-06-0546)

MOTION: Stevens moved and Workman seconded approval of an agreement with Golden Gate National Senior Care, Inc. d/b/a AseraCare Hospice, formerly known as Hospice Care of Nebraska, for hospice services to residents of Lancaster Manor who are terminally ill with a medical prognosis of six months or less. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

L. An agreement between Lancaster County and the Child Advocacy Center to conduct interviews and medical examinations of child abuse victims to aid law enforcement and prosecution in their investigations of child abuse. Term of the agreement is October 1, 2006 through September 30, 2007. The County will pay \$20,000 for the services. (C-06-0547)

MOTION: Stevens moved and Heier seconded approval of an agreement between Lancaster County and the Child Advocacy Center to conduct interviews and medical examinations of child abuse victims to aid law enforcement and prosecution in their investigations of child abuse. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

M. An amendment to an agreement with Demars, Gordon, Olson and Zalewski Law Firm, under County Contract No. C-06-0417, for legal representation to indigent parties in proceedings in the Juvenile Court of Lancaster County. The law firm has asked that Erin Harris be formally authorized to provide services under the original agreement. As a result, the parties wish to amend the agreement to reflect such change. (C-06-0535)

4) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Hudkins seconded approval of an amendment to an agreement with Demars, Gordon, Olson and Zalewski Law Firm, under County Contract No. C-06-0417, for legal representation to indigent parties in proceedings in the Juvenile Court of Lancaster County. Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

N. An amendment to an agreement, under County Contract C-06-0082, between the Lancaster County Youth Services Center and the State of Nebraska, Department of Health and Human Services for detention services for youth committed to, or placed with the State's Office of Juvenile Services. The parties wish to extend the agreement end date from September 30, 2006 to December 31, 2006. (C-06-0545)

MOTION: Stevens moved and Workman seconded approval of an amendment to an agreement, under County Contract C-06-0082, between the Lancaster County Youth Services Center and the State of Nebraska, Department of Health and Human Services for detention services for youth committed to, or placed with the State's Office of Juvenile Services. Workman, Stevens and Schorr voted aye. Hudkins and Heier voted no. Motion carried.

O. Setting of salary for Joseph E. Dalton at \$64,000 as an attorney in the Lancaster County Attorney's Office, effective October 2, 2006.

Item was moved forward on the agenda.

P. A political subdivision tort filed by Brett McArthur, on behalf of Jon M. Richard, against Lancaster County for wrongful disposition and destruction of personal property, in the amount of \$185.

MOTION: Heier moved and Stevens seconded denial of a political subdivision tort filed by Brett McArthur, on behalf of Jon M. Richard, against Lancaster County for wrongful disposition and destruction of personal property, in the amount of \$185. Workman, Stevens, Hudkins, Heier and Schorr voted aye. Motion carried.

5) **CONSENT ITEMS:** *These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:*

A. Receive and Place on File:

1. **Accountants' Report and Financial Statements for June 30, 2006 and 2005 for the Lincoln Airport Authority.**
2. **Sheriff's Report of Fees for August, 2006.**
3. **Sheriff's Report of Other Revenues Received for August, 2006.**

B. Requests from Margarita Brown and Elizabeth Peterson, employees at Lancaster Manor, to voluntarily participate in the Lancaster County Retirement Plan having met the requirements.

C. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following:

- ▶ **Glacier Park Company, in the amount of \$2,095, on West "A" Street from Southwest 84th Street to the Burlington Northern Sante Fe Railroad; Project C55-M-405(1). (C-06-0542)**
- ▶ **John and Adrienne Schmidt, in the total amount of \$1,652.50, at 2001 Northwest 84th Street; Project C55-M-407(1). (2 contracts) (C-06-0543 and C-06-0544)**

MOTION: Stevens moved and Heier seconded approval of the Consent Items. Stevens, Heier, Workman, Hudkins and Schorr voted aye. Motion carried.

6) **ADJOURNMENT:**

MOTION: Stevens moved and Hudkins seconded adjournment of the meeting of the Board of Commissioners at 10:45 a.m.. Heier, Workman, Stevens Hudkins and Schorr voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, OCTOBER 3, 2006
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Deb Schorr, Chair
Bob Workman, Vice Chair
Bernie Heier
Larry Hudkins
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer
Scott Gaines, Deputy County Assessor/Register of Deeds
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Patricia Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The meeting of the Board of Equalization was called to order at 10:45 a.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, September 26, 2006.**

MOTION: Workman moved and Hudkins seconded approval of the minutes of the Board of Equalization meeting held on September 26, 2006. Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 27 additions and deductions to the tax assessment rolls per Attachment "A".

MOTION: Stevens moved and Heier seconded approval of the additions and deductions to the tax assessment rolls. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

St. Thomas Aquinas Church

MOTION: Stevens moved and Hudkins seconded approval of the motor vehicle tax exemption. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

4) **APPEAL FILED ON PENALTY ASSESSED ON PERSONAL PROPERTY BY SIPHERD & ASSOCIATES, P.C. PER ATTACHMENT "B":**

Heier declared a conflict of interest and exited the Hearing Room at 10:47 a.m..

Scott Gaines, Deputy County Assessor/Register of Deeds, explained Sipherd & Associates had a large envelope of personal property returns which were deposited at the post office in a timely fashion on May 1, 2006. He stated they do have a statement from the post office indicating the situation as being factual. Gaines explained the envelope was overweight which kicked it out of the bin to be postmarked the 1st and into a bin being postmarked on the 2nd. He referred to Nebraska State Statute §49-1201 which does allow the County Board to accept a return if competent evidence is established that the report was deposited in the United States mail on or before the date for filing or paying. Recommendation was to allow the appeal and waive the penalties based on the evidence.

MOTION: Workman moved and Hudkins seconded approval to accept the recommendation of the County Assessor/Register of Deeds to approve the appeal and waive the penalties on personal property filed by Sipherd and Associates for the following: Eagles Nest Storage LLC, Odbert Built Construction, Inc., Satori Tan, Inc., TVB Movers, Inc., Tomorrow's Money, OM-KAVIN, Gary Reese, Sower Printing, Rediger & Sipherd LLC, Collins, Rye Rye Construction, Degree Heating & Air Conditioning Inc., Complete Lighting Maintenance Inc., Betty's House of BTY, Victory Human Performance, Inc., Urban Motors, Nickel Enterprises, Inc., MAK Plumbing, Piedmont Service, Inc., Patrice's, Dan Cooley Construction LLC, K-L Technologies Inc., James Ahlstedt Construction Inc., Newburn Chiropractic, McEwen Construction LLC, Kent E Lovelace, DDS, Horizon Electric LLC, Paramount Supply Co., Allstar Electric Inc., Leavitt Farms Partnership, Carey Construction/Design LLC, B & C Partnership, Bernard E. Heier, Moser Construction, Bohlmeier Floors, Inc., Tan-Aire, Inc., The Window Pro's, David C Zieg, DDS, ISOFT Data Systems Inc., MCS Custom Homes & Remodeling Inc., Toomey Electric Inc., Adams Enterprises Inc., Vinnie Krikac and Sue Jeffrey Physical Therapy. On call Workman, Stevens, Hudkins and Schorr voted aye. Heier was absent from voting due to a conflict of interest. Motion carried.

5) **ADJOURNMENT:**

MOTION: Stevens moved and Hudkins seconded adjournment of the meeting of the Board of Equalization at 10:50 a.m.. Stevens, Workman, Hudkins and Schorr voted aye. Heier was absent from voting. Motion carried.

Bruce Medcalf
County Clerk